

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF PENNSYLVANIA

In re:

BRIAN F. MCHENRY

Debtor(s)

Ronda J. Winnecour, Trustee

Movant

vs.

BRIAN F. MCHENRY

Respondent(s)

Case No. 15-22379GLT

Chapter 13

Document # \_\_\_\_\_

**TRUSTEE'S CERTIFICATE OF DEFAULT REQUESTING  
DISMISSAL OF CASE**

Ronda J. Winnecour, Standing Chapter 13 Trustee, respectfully represents the following:

1. The debtor(s)' plan is in material default, in that the payments required by the plan have not been made.
2. The plan currently requires the debtor(s) to pay to the Trustee the sum of \$1,715 per month.
3. The plan is \$7320 in arrears, including the payment due for the month of February 2017.

WHEREFORE, the Trustee requests that this case be dismissed without prejudice .

02/21/2017

/s/ Ronda J. Winnecour

RONDA J WINNECOUR PA ID #30399

CHAPTER 13 TRUSTEE WD PA

600 GRANT STREET

SUITE 3250 US STEEL TWR

PITTSBURGH, PA 15219

(412) 471-5566

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Related to Document No. \_\_\_\_\_

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the Court having considered the Chapter 13 Trustee's certification (or request) for dismissal, and any responses thereto, the following relief (as reflected by the checked boxes below) is **ORDERED**,

**ADJUDGED and DECREED:**

- ☐ This case is **DISMISSED**, with prejudice. The Debtor(s) is/are ineligible for bankruptcy relief under any chapter for a period of 180 days from the date of this Order.
- ☐ This case is **DISMISSED**, without prejudice.

If either of the above provisions is checked, indicating that this case is being dismissed, then it is **FURTHER ORDERED** as follows:

- A. Each wage attachment issued in this case is now terminated. So that each employer knows to stop the wage attachment, the Debtor(s) shall immediately serve a copy of this Order on each employer and file a proof of service within 10 days of the date of this Order.
- B. This case is administratively closed. However, Court retains jurisdiction over the Trustee's Report of Receipts and Disbursements and Final Report and Account. Upon submission of UST Form 13-FR-S: Chapter 13 Standing Trustee's Final Report and Account, the Trustee is discharged from her duties in this case and this case will be closed without further Order of Court.

- C. The Clerk shall give notice to all creditors of this dismissal.
- D. Any motion to reopen must be accompanied by the appropriate reopening fee, equal to the filing fee for the appropriate chapter (less administrative fee), together with the unpaid \$\_\_\_\_\_ portion of the original filing fee.
- E. The Debtor remains legally liable for all debts as if the bankruptcy petition had not been filed. This bankruptcy case no longer prevents collection efforts or lawsuits. Creditor collection remedies are reinstated pursuant to 11 U.S.C. Section 349, and creditors are directed to 11 U.S.C. Section 108(c) for time limits on filing a lawsuit to collect. Generally, a creditor's lawsuit must be filed by the later of:

- (1) the time deadline provided by state law; or
- (2) 30 days after the date of this notice.

- ☐ This case is not dismissed. The plan term is extended to a total of \_\_\_ months; the monthly plan payment amount is changed to \$\_\_\_\_\_ effective\_\_\_\_\_.
- ☐ This case is not dismissed at this time. However, in the event of any future plan default by the Debtor(s), then on the Trustee's certificate of default, this case shall be dismissed \_\_\_\_ with / \_\_\_\_ without prejudice, without further notice or hearing.
- ☐ Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY THE COURT:

Dated : \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date shown below, I served a true and correct copy of the Trustee's Certificate of Default with proposed order of Court upon the following, by regular United States mail, postage prepaid, addressed as follows:

BRIAN F. MCHENRY  
2404 MAGEE ROAD EXT  
SEWICKLEY, PA 15143

MICHAEL C EISEN ESQ  
M EISEN & ASSOCIATES PC  
6200 BABCOCK BLVD  
PITTSBURGH, PA 15237

02/21/2017

/s/ Renee Ward

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Administrative Assistant  
Office of the Chapter 13 Trustee  
CHAPTER 13 TRUSTEE WD PA  
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